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WAR MANPOWER COMMISSION

EMPLOYMENT STABILIZATION PROGRAM

FOR THE

NEW YORK CITY AREA

Including New York City, Nassau, Suffolk, Westchester, and Rockland Counties

ISSUED BY THE

NEW YORK CITY AREA
WAR MANPOWER COMMITTEE

500 FIFTH AVENUE, NEW YORK CITY

WAR MANPOWER COMMITTEE

New York City Area

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Acting Area Director

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FOREWORD

Our successes on the fighting front are the result of a vast network of plans, laid down in Washington and carried out by every American unit and task force commander engaging the enemy. Our military leaders in Washington outline the major goals and suggest the tactics and methods for reaching those goals.

The same situation holds on the civilian manpower front at home. The War Manpower Commission in Washington lays down the broad foundations for mobilizing the Nation's manpower resources. The Area Management-Labor War Manpower Committees, representing the manpower forces in every community, adapt that program to local needs and circumstances, and seek to secure the cooperation of all elements of the community toward the most effective utilization of civilian labor in war production.

The New York City Area Employment Stabilization Program represents such an adaptation of the national program to the manpower problems of this Area. It embodies the best thought, the most sincere and impartial effort of the Labor, Management, and Farm representatives of the Area War Manpower Committee toward meeting those problems on a voluntary basis.

Whole-hearted compliance of both workers and employers with the Program will help us meet the growing manpower shortage. It is only by such cooperation that the productive capacity of our war industries can be utilized for the maximum benefit of the war program. That is the objective we are striving for.

ANNA M. ROSENBERG,
Regional Director,
War Manpower Commission.

New York, October 15, 1942.

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Summary of the New York City Area Employment Stabilization Program

This is not the text of the Program but a condensed presentation of its principal features for the guidance of employees and employers.

This Program conforms with Nation-wide standards and regulations issued on August 16, 1943, by the Chairman of the War Manpower Commission, Paul V. McNutt, with the unanimous consent of the Management-Labor War Manpower Policy Committee. It went into effect on October 15, 1943, in New York City and the following counties: Nassau, Rockland, Suffolk, and Westchester, and replaces previous regulations.

CRITICAL OCCUPATIONS

A list of 149 Nation-wide critical occupations has been established (see Appendix A). Hiring of persons for or from these occupations in any industry is permitted only upon referral by, or in accordance with written arrangements with, the United States Employment Service (USES) of the War Manpower Commission (WMC) or its designated agencies, including unions. The list of critical occupations may be revised from time to time by the Chairman of the War Manpower Commission (WMC).

ESSENTIAL ACTIVITIES

The list of Essential Activities heretofore maintained by the WMC remains in effect, and information on essentiality is available at any USES office. Workers and employers should make it their business to know whether or not they are engaged in an essential activity.

LOCALLY NEEDED ACTIVITIES

The Regional Director may designate as "locally needed" any local trade or service necessary to health, welfare, and safety, or for the conduct of essential activity in the area. For the purposes of this Program, a locally needed activity will be regarded as an essential activity.

"ESSENTIAL" EMPLOYEE

Any person employed in an essential or locally needed activity is an "essential" employee and remains an essential employee for 60 days after leaving essential employment.

"NEW" EMPLOYEE

Any person who has not been in the employ of a hiring employer at any time during the preceding 30 days is considered a "new" employee.

EMPLOYMENT OF LESS THAN 7 DAYS AND SUPPLEMENTARY EMPLOYMENT

For the purpose of determining a worker's last employment or whether he is a new employee, employment of less than 7 days' duration, or employment supplementary to an employee's regular work, is disregarded, unless the worker is customarily engaged in work of less than 7 days' duration.

STATEMENT OF AVAILABILITY AND REFERRAL

A Statement of Availability is a written statement given to an individual by his employer or the USES testifying to his availability for other employment. No

information prejudicial to the worker in seeking new employment may be contained in a Statement of Availability. (See Appendix B for model.)

A Referral is a written statement issued by the USES or any union or other designated agency to make referrals sending a worker with his consent to a specific job with a specific employer, for consideration or hiring by such employer.

WHEN A STATEMENT OF AVAILABILITY IS REQUIRED

Every essential employee must present a Statement of Availability and/or Referral Statement upon entering new employment. No new essential employee may be hired without a Statement of Availability or Referral by the USES.

WHEN REFERRAL BY USES IS NECESSARY

In addition to workers in critical occupations, the following classes of workers, even though they have obtained a Statement of Availability, may be hired only upon referral by, or in accordance with written arrangements with the USES:

1. Essential or nonessential workers who have not lived or worked in the following localities during the preceding 30 days: New York City; Nassau, Suffolk, Rockland, Putnam, and Westchester Counties, N. Y.; Hudson, Essex, Bergen, Passaic, Morris, Middlesex, Union, and Somerset Counties, N. J.; and Fairfield County, Conn.
2. Workers whose last employment was in essential activity who seek employment in a nonessential activity.
3. Maintenance and production workers in ship yards.
4. Farm workers who seek nonfarm employment lasting more than six weeks.

STATEMENTS OF AVAILABILITY BY EMPLOYERS

An employer engaged in essential activity shall issue a statement of availability to any employee:

1. Whom the employer has permanently discharged.
2. Whom the employer has laid off for an indefinite period or for seven or more days.
3. When the employment entails undue personal hardship.
4. When wages or working conditions are below state or federal standards.

STATEMENTS OF AVAILABILITY BY THE USES

Statements of Availability shall be granted by the USES:

1. When an employer refuses to issue a statement of availability under one or more of the established circumstances set forth above.
2. When an employer refuses to comply with the stabilization program or any other WMC regulation or policy.
3. When an employer refuses to reinstate, with earned seniority and other rights, a former employee who failed to qualify for a statement of availability and who, at the request of the USES, has agreed to return to his former or comparable employment.
4. When, in the interest of the war effort, it is deemed advisable to permit a replaceable essential employee to transfer to another area in which there is a shortage of workers in the same skill.

60-DAY PENALTY PERIOD

Since an essential employee remains an essential employee for 60 days after leaving his job, and since

no new essential employee may be hired without a Statement of Availability or Referral, an essential employee who quits his job without a Statement of Availability is barred from new employment for that period.

30-DAY REHIRING PRIVILEGE

Any employer may rehire a worker without a Statement of Availability within 30 days after the worker has left his employ, since that worker is not a "new" employee until 30 days have elapsed.

PROBATIONARY EMPLOYMENT

A worker who has left less-essential for essential employment is entitled to a Statement of Availability on request at any time during the first 30 days after entering essential employment, in order to enter other essential activity. He can accept employment in less-essential activity only upon referral by the USES.

AGRICULTURAL WORKERS

The following special provisions apply only to agricultural workers:

1. The hiring of workers for agricultural employment is not subject to the requirements of the Program.
2. Agricultural workers entering nonagricultural employment for more than six weeks must be referred by the USES. If such new employment is to be for six weeks or less, no USES referral is required.

UNDER-UTILIZED WORKERS

If a worker is employed at less than full time or in a job not utilizing his highest skill, the USES may, upon his request, refer him to another job in which he can be utilized more effectively in the war effort.

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FILING OF STATEMENTS OF AVAILABILITY AND REFERRAL CARDS

Employers shall keep on file available for inspection by the WMC, the original (not duplicate) of every Statement of Availability or Referral Card presented by employees. Workers shall surrender such documents upon being hired.

NOTE: *In case of doubt as to the eligibility of a worker for employment, consult the USES.*

EXCLUSIONS FROM THE PROGRAM

The Program does not apply to:

1. Hiring for less than 7 days, or supplementary work.
2. Hiring in any United States Territory or possession except Alaska and Hawaii.
3. Hiring by State, local or foreign governments, or of their personnel, unless such governments agree to conform with the Program.
4. Hiring of workers for or from domestic employment.
5. Hiring of teachers for or from vacation employment.
6. Hiring workers for agricultural employment.

APPEALS

If an employer fails or refuses to give an essential employee a Statement of Availability, the employee may ask the USES to give him one. An employer or employee who is dissatisfied with any ruling of the USES. may appeal to the Area Appeals Board, composed of an equal number of Labor and Management representatives of the Area Committee. From this Board, the line of appeal is to the Regional War Manpower Committee, and, finally, to the WMC Chairman. All appeals must

be taken within three working days after the receipt of a decision, except appeals to the WMC Chairman, for which ten days are allowed following the rendering of the decision. Any person making an appeal may be represented by the labor or management organization of which he is a member or any other person freely chosen by him.

FEDERAL EMPLOYMENT

Federal employment under the direction of the United States Civil Service Commission is subject to this Program.

RAILROAD EMPLOYMENT

With respect to railroad employers and workers, the Railroad Retirement Board is authorized to perform the functions of the USES in the administration of the Program.

SHIPYARD WORKERS

Referral by the USES, or any duly authorized agency of the USES, is required for all workers entering or leaving shipyard employment.

ADVERTISING

All advertising for the hiring of employees subject to this Program will be under the supervision of the Area Committee, and all such advertisements shall contain the sentence: "Essential workers need release statement."

COLLECTIVE BARGAINING AGREEMENTS UNAFFECTED

Nothing contained in this Program shall be construed to change, modify, or restrict any employer-employee agreement.

ENFORCEMENT OF PROGRAM

The WMC or any designated agency shall investigate reported violations of the Stabilization Program in order to provide for the enforcement of its provisions.

When an employer refuses to comply with the Stabilization Program or any other WMC regulation, the USES may issue a Statement of Availability to any or all workers of the offending employer, after notice, hearing and final decision.

COOPERATION WITH AREA COMMITTEE

All individuals, groups, or organizations affected by this Program are expected to cooperate with the Area Committee in an aggressive program for reduction of labor turnover and absenteeism; full utilization of training facilities, and of minority groups, such as women and handicapped workers; up-grading and job simplification; and the utilization of manpower at maximum skills.

Procedure for Changing Jobs Under the New York City Area Employment Stabilization Program

To know what steps to take in changing your job, you must first know if you are employed in:

1. An essential or "locally needed" activity.
2. A critical occupation.
3. Farm work.
4. None of the above.

ESSENTIAL WORKERS

Under the Stabilization Program, every person employed in an essential or "locally needed" activity is an essential employee. To find out if you are employed in an essential activity, ask any office of the United States Employment Service (USES) of the War Manpower Commission (WMC).

If you are an essential employee, you must have a Statement of Availability before you can take another job. If the new job is to be in a nonessential activity, consent of the USES is required in addition.

You are entitled to a Statement of Availability if:

1. Your employer discharges you for any reason whatsoever.

2. Your employer lays you off for seven or more days, or without telling you for how long.

3. Your present employment causes you undue personal hardship.

4. You are employed at wages or under working conditions below State or federal standards.

Should your employer fail or refuse to give you a Statement of Availability under the above circum-

stances, ask the USES to give you one. But do not go to the USES for a Statement until you have asked your employer for one, and you are sure he will not give it to you.

To find out at which USES office to apply for a release, look at the list of USES offices for this area on pages 38 and 39. If you are in doubt as to which office to go to, call the USES of the WMC at CHickering 4–8800.

The USES will consider all the facts and make a decision accordingly. If you are not satisfied with that decision, you may appeal, within three working days after receiving the decision, to the Area War Manpower Committee, through the USES. Your employer has the same privilege.

If you desire to change your job on the ground that your full time or your highest skill is not being used, you must go to the USES, and they will refer you to another job, provided your claim is found to be true.

QUITTING WITHOUT A STATEMENT OF AVAILABILITY

Essential employees who quit without a Statement of Availability continue to be regarded as essential employees for 60 days. As no employer is permitted to hire an essential employee without a Statement of Availability or referral, such workers cannot expect to secure employment during that period.

NOTE.—*Workers are urged to stay on their jobs until they have received a Statement of Availability or are referred to another job by the USES.*

CRITICAL WORKERS

To find out if you are in a critical occupation, look carefully through the list on pages 30–35. If your occupation is not on that list, you may be reasonably sure yours is not a critical job. However, as changes in the list may be made from time to time by the WMC, it is advisable that you check with the nearest USES office.

If you are in a critical occupation, you are not permitted to take another job except through referral by the USES or a designated agency, including any union authorized by the WMC to make referrals.

Control of all critical jobs by the USES is necessary because there is a very great shortage of manpower, and if we are to turn out the war supplies needed by our armed forces in sufficient quantity, we must make use of every worker to the best possible advantage. The USES knows best what particular skills are most urgently needed and where workers must be placed so that they may be most helpful in the war effort. The main object of the stabilization program and of the USES is to make use at all times of the right worker in the right war job.

FARM WORKERS

Any worker may take farm employment at any time without a Statement of Availability or referral by the USES. This also applies to persons transferring from one farm job to another.

A farm worker who desires to go into nonfarm work lasting six weeks or less, needs no Statement of Availability or USES referral. But when the job is to last more than six weeks, referral by the USES is required.

SHIPYARD WORKERS

Employment of maintenance and production workers in shipbuilding, ship-repair, and ship-conversion establishments is subject to additional controls under a special procedure governing movement into, out of, and within the industry. The hiring of shipyard workers can be effected only through referral by the USES or its designated agencies. These workers are subject to all provisions of the Stabilization Program.

NONESSENTIAL, NONCRITICAL WORKERS

If you are not employed in either an essential activity or a critical occupation, you may change your job without a Statement of Availability or referral by the USES.

If you are employed in a nonessential activity but in a critical occupation, you can change your job only through referral by the USES or designated agency. In other words, you must take the steps indicated above for critical workers.

WORKERS FROM OUTSIDE THIS AREA

Workers, without a Statement of Availability, coming to this area from any other area, must go to the War Agencies Relations Unit, 40 East Fifty-ninth Street. This requirement, however, does not apply to workers entering this area from Putnam County, N. Y., Fairfield County, Conn., or the following New Jersey counties: Hudson, Essex, Union, Bergen, Passaic, Morris, Middlesex, and Somerset. Workers coming to this area with a Statement of Availability from any other area, should apply to the office which ordinarily handles their type of occupation.

WORKERS GOING TO OTHER AREAS

Essential workers leaving this area for work in another area, must take the same steps in securing a Statement of Availability as they would have to take in changing jobs within this area.

Employment Stabilization Program for the New York City Area

Section I

PURPOSE

The purpose of the Employment Stabilization Program for the New York City area, formulated by the War Manpower Commission and the Area Committee, is to assist the War Manpower Commission in bringing about, by measures equitable to labor, management and agriculture, and necessary for the effective prosecution of the war:

(1) the elimination of wasteful labor turnover;
(2) the reduction of unnecessary labor migration;
(3) the orderly transfer and movement of workers;
(4) the direction of the flow of scarce labor where most needed in the war program;
(5) the maximum utilization of manpower resources.

Section II

DEFINITIONS

A. The "New York City area" is the area comprising New York, Bronx, Queens, Kings, Richmond, Nassau, Suffolk, Westchester, and Rockland Counties. The Area Manpower Director, however, may, with the approval of the Regional Manpower Director, and after consultation with the Area Committee, alter the territory of the New York City area.

B. "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission. (See Appendix A.)

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C. "Essential activity" means any activity included in the War Manpower Commission "List of Essential Activities."

D. "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

E. "Essential employee" means any individual employed in an essential activity or in a locally needed activity; such individual shall continue to be an essential employee during the 60-day period after he ceases to be employed in such essential or locally needed activity. For the purpose of this definition, employment of less than 7 days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

F. "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than 7 days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

G. The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

H. A "Statement of Availability" means a written statement given to an individual by his employer or the United States Employment Service or any agency authorized by the War Manpower Commission to issue Statements of Availability testifying to his availability for new employment. Such statement shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required only by the War Manpower Commission.

Statements of Availability shall conform to the form attached hereto as Appendix B.

I. "Solicit" or "solicitation" (for the purpose of hiring) means any act or activity including any written or oral communication or publication by an employer or his agent, designed or intended to induce any individual to accept employment.

J. "Referral" means a written statement issued by the United States Employment Service or any union or other agency authorized by the War Manpower Commission to make referrals sending a worker with his consent to a specific job with a specific employer, for consideration or hiring by such employer.

K. "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

L. The "Area Appeals Board" is the Area Committee or a committee selected by the Area Manpower Director from a panel chosen by the Area Committee. Any committee so appointed shall consist of an equal number of representatives of management and of labor together with the Area Director or his designated representative, who shall serve as nonvoting Chairman. Whenever the Area Committee acts as an Appeals Board, a quorum of an Appeals Board shall consist of an equal number of persons representing management and labor, and the Area Director or his designated representative. However, should an Appeals Board be called upon to consider matters affecting agriculture, the Area Committee representative for agriculture, or an alternate, and a representative for farm labor, shall sit as members of the Appeals Board and must be present to

constitute a quorum. Similarly, railroad representatives (management and labor) shall sit, should this Board be called upon to consider matters affecting the railroads.

M. The term "Area Committee" means the Area Management-Labor War Manpower Committee, comprised of representatives of management, labor and agriculture.

N. The term "War Manpower Commission" means the national body bearing this name or any person or service properly authorized and employed to act for it. The War Manpower Commission will be ordinarily designated as "WMC," and the United States Employment Service of the War Manpower Commission as the "USES."

O. "State" includes Alaska, Hawaii, and the District of Columbia.

Section III

CONTROL OF HIRING AND SOLICITATION OF WORKERS

All hiring and solicitation of workers in, or for work in, the New York City area shall be conducted in accordance with this Employment Stabilization Program.

Section IV

AUTHORITY AND RESPONSIBILITIES OF THE AREA COMMITTEE

The Area Committee is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this Employment Stabilization Program, and to make recommendations to the Area Manpower Director.

Section V

ENCOURAGEMENT OF LOCAL INITIATIVE AND USE OF EXISTING HIRING CHANNELS

To the maximum degree consistent with this Employment Stabilization Program and with its objectives, local initiative and cooperative efforts shall be encouraged and utilized and maximum use made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions, and government agencies.

Section VI

GENERAL

A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if both (1) and (2) below obtain:

(1) such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the USES, and

(2) such individual presents a Statement of Availability from his last employment in an essential or locally needed activity, or is referred by the USES, or is hired with its consent, as provided herein.

Section VII

ISSUANCE OF STATEMENTS OF AVAILABILITY BY EMPLOYERS

An individual whose last employment is or was in an essential or locally needed activity shall imme-

diately receive a Statement of Availability from his employer if:

(1) he has been discharged, or his employment has been otherwise terminated by his employer, or

(2) he has been laid off for an indefinite period, or for a period of seven or more days, or

(3) continuance of his employment would involve undue personal hardship, or

(4) such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(5) such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

Section VIII

PROBATIONARY EMPLOYMENT

To encourage a worker to move from less essential activity to essential or locally needed activity and to give him an opportunity to become suitably located in essential or locally needed activity, he shall be entitled to a probationary period. At any time during a probationary period of 30 days following his initial employment in essential activity, he shall be entitled to a Statement of Availability from his employer, the USES, or any agency designated by the WMC to issue Statements of Availability, if he requests termination of his employment. The total probationary period shall not aggregate more than 30 days.

Section IX

ISSUANCE OF STATEMENTS OF AVAILABILITY BY UNITED STATES EMPLOYMENT SERVICE

A. A Statement of Availability shall be issued promptly to an individual when any of the circumstances set forth in sections VII and VIII is found to exist in his case. If the employer fails or refuses to issue a Statement of Availability to an individual entitled to such statement, the USES, upon finding that the individual is entitled thereto, shall issue a Statement of Availability to the individual. Either the employer or the employee may within 3 working days after receipt of notice of action taken by the USES on a request for a Statement of Availability, take an appeal therefrom as provided in section XXVI of this Program.

B. A Statement of Availability shall be issued by the USES to any individual in the employ of an employer who, the WMC finds, after notice, hearing, and final decision, has not complied with any WMC Employment Stabilization Program, regulation or policy, and for so long as such employer continues his noncompliance after such finding.

C. A Statement of Availability shall be issued by the USES to any individual who having left his employment and having failed to qualify for a Statement of Availability agrees at the request of the USES to return to his former employment but is denied reinstatement to his former or a comparable position with his seniority and other rights.

D. A Statement of Availability shall be issued by the USES to workers to permit movement from essential industry within the area to essential industry in out-of-town shortage areas at the same skill, each decision to be made in light of the replaceability of

employee transferred and labor supply in the specific occupation involved.

NOTE.—Where a strict application of the provisions of sections VII and IX would work undue hardship in certain industries or occupations, such as building and construction, water-front occupations, and radio broadcasting, because of the hiring practices peculiar to those industries or occupations, the Area Committee, with the approval of the Regional Director, shall prescribe such other policies consistent with this Program as may be necessary to prevent or eliminate such hardship.

Section X

SURRENDER, FILING AND INSPECTION OF STATEMENTS OF AVAILABILITY, REFERRAL STATEMENTS, OR WRITTEN CONSENTS

The original Statement of Availability, Referral Statement or Card issued to an employee must be surrendered by him at the time of hiring to the new employer, who shall file and retain such Statement or card or written consent and make his file available for inspection upon request by the WMC.

Section XI

REFERRAL IN CASE OF UNDER-UTILIZATION

If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the USES may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

Section XII

WORKERS WHO MAY BE HIRED ONLY UPON REFERRAL BY THE UNITED STATES EMPLOYMENT SERVICE

A new employee may not be hired solely upon presentation of a Statement of Availability, but he may be hired only upon referral by, or in accordance with written arrangements with, the USES, when:

(1) the new employee is to be hired for work in a critical occupation or his Statement of Availability indicates that his last employment was in a critical occupation;

(2) the new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period. For purpose of this provision "locality" means: New York City, Nassau, Suffolk, Rockland, Putnam, and Westchester Counties, N. Y.; Fairfield County, Conn.; Hudson, Essex, Bergen, Passaic, Union, Morris, Middlesex, and Somerset Counties, N. J.;

(3) the new employee's last regular employment was in agriculture and he is to be hired for nonagricultural work provided that no such individual shall be referred to nonagricultural work except after consultation with a designated representative of the War Food Administration; and provided that such an individual may be hired for nonagricultural work for a period not to exceed six weeks without referral or presentation of a Statement of Availability;

(4) the new employee's last regular employment was in an essential or locally needed activity, and he is to be hired for work in a less essential activity;

(5) the new employee is to be hired for work in a maintenance or production occupation in any ship repair, shipbuilding or ship conversion establishment, or the new employee's Statement of Availability indicates that his last employment was in a maintenance or pro-

duction occupation in a ship repair, shipbuilding or ship conversion establishment.[1]

Section XIII

GENERAL REFERRAL POLICIES

No provision of this program shall limit the authority of the USES to make referrals in accordance with approved policies and instructions of the WMC.

Section XIV

SOLICITING AND ADVERTISING

A. No employer shall advertise or otherwise solicit for the purpose of hiring any individual, if the hiring of such an individual would be subject to restrictions under this Employment Stabilization Program, except in a manner consistent with such restrictions. The policy with respect to advertising for employees within the New York City area shall be under the supervision of the Area Committee.

B. All advertisements for hiring employees subject to this Program within the area shall contain the following:

"Essential workers need release statement."

Section XV

FEDERAL EMPLOYMENT

A. All employment within the New York City area, by departments and agencies of the Federal Government for positions subject to the Civil Service Act and the rules and regulations of the United States Civil

[1] Inter-Regional Order No. 1, pertaining to hiring, rehiring, solicitation, and recruitment of workers in ship or boat building, ship or boat repairing, or ship conversion establishments is available on request.

Service Commission shall be under the direction of the Civil Service Commission, which shall conduct its recruiting activities and make referrals in accordance with applicable WMC policies, procedures, and standards.

B. Federal Government departments and agencies, or Federal Government employees who appeal any action taken in the administration of the WMC Stabilization Program, shall make such appeal to the WMC through the Civil Service Commission, which shall be represented whenever such case is presented to the Area Committee.

Section XVI

RAILROAD EMPLOYMENT

A. Employers and employees in the railroad industry are subject in all respects to the provisions of this program. The duties and obligations imposed upon employers and employees by this Program are applicable to employers and employees in the railroad industry in the same manner and to the same extent as to all other employers and employees subject thereto.

B. The Railroad Retirement Board will, subject to WMC Operating Instruction—Field No. 20, perform the functions of the USES in the administration of this Employment Stabilization Program to the extent of its applicability to railroad employers and railroad workers.

Section XVII

EXCLUSIONS FROM PROGRAM

No provision of this Employment Stabilization Program shall be applicable to:

(1) the hiring of a new employee for agricultural employment;

(2) the hiring of a new employee for work of less than seven days' duration, or for work which is supple-

mentary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the Program, unless the employee is contomarily engaged in work of less than seven days' duration.

(3) the hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(4) the hiring by a foreign, State, county or municipal government, or their political subdivisions, or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the Program;

(5) the hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(6) the hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

NOTE.—*The hiring of a new employee for work for less than seven days' duration under (2) means that the initial employment was offered by the employer for a period of less than seven days at the time of hiring and the employment was actually for less than seven days.*

Section XVIII

LAY-OFFS

Where Federal Government agencies or other war employers are compelled to lay off workers, every effort should be made to plan such lay-offs in cooperation with the unions representing such workers and the WMC in order to effect such lay-offs in a manner consistent with the best interests of the war effort.

Section XIX

TEMPORARY EMPLOYMENT

The Area Committee with the consent of the Regional Director may prescribe policies designed to facilitate the employment of individuals, during vacation, off-season, or other short periods, in work other than that in which they have customarily engaged, and to facilitate the return of such persons to their customary employment.

Section XX

MINIMIZING LOST TIME

The WMC urges workers to remain on their jobs pending issuance of Statements of Availability or referral and pending decision on an appeal to the Appeals Board.

Section XXI

PROHIBITION AGAINST DISCRIMINATORY PRACTICES IN REFERRAL OR HIRING

The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or, except as required by law, citizenship.

Section XXII

EMPLOYMENT PRACTICES

All employers, unions, employees, and other persons or groups affected by this Program are to cooperate with the Area Committee in an aggressive program for:

(1) the utilization of manpower at maximum skills;
(2) job simplification;
(3) upgrading;
(4) full utilization of both in-plant and preemployment training;
(5) full utilization of women, minority groups, handicapped workers, and other groups;
(6) reduction of absenteeism and labor turnover.

Section XXIII

COLLECTIVE BARGAINING AGREEMENTS

Nothing contained in this Program shall be construed to change, modify, or restrict any agreement between any employee, union, or group of employees, or their duly designated representatives, and his or their employer.

Section XXIV

REPRESENTATION

Nothing contained in the Program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor or management organization of which he is a member, or any other representative freely chosen by him, at any step in the operation of the Program.

Section XXV

COOPERATION WITH OTHER AREAS

In conformity with the National War Manpower policy the Area Committee will seek through cooperation with similar committees in other areas to protect all those affected by this Program from practices engaged in by parties located outside the New York City

area, whenever such practices are inconsistent with the provisions of this Program. For example, the Area Committee shall seek to have all employment advertising, designed to appeal to essential employees, in the New York City area include the following: "Essential workers need release statement."

Section XXVI

APPEALS

Any worker or employer may appeal from any act or failure to act by the WMC under the Employment Stabilization Program, in accordance with regulations and procedures of the WMC.

Appeals under this Program shall be governed by WMC Regulation No. 5.

(1) Appeals in the first instance will be considered by the Area Appeals Board.

(2) The decision by a majority of the Area Appeals Board shall be final unless the appellant wishes to appeal further or unless the Area War Manpower Director or other representative of the WMC requests that an appeal be heard at the regional level. In the event of a tie vote, the appeal shall be heard at the regional level. Members of the Appeals Board may file majority and minority reports.

(3) Further appeal from decisions on the area level shall be taken to the Regional Management-Labor War Manpower Committee.

(4) Further appeal from decisions rendered on the regional level may be taken to the Chairman of the WMC. The decision of the Chairman shall be final.

(5) All appeals must be taken within three working days following receipt by the appellant of notice of the decision appealed from, provided however, that the period for appeals to the Chairman of the WMC shall be the ten-day period following the rendition of the decision appealed from.

(6) The appellant shall be given reasonable notice of the time and place of any hearing upon his appeal and shall be promptly apprised of the decision.

(7) Any action which any person or organization may take up for appeal, may be taken on his or its behalf by a duly authorized representative.

(8) Whenever appropriate for the full and expeditious determination of common questions raised by two or more appeals, the Chairman of the Appeals Board to whom such appeals are taken may consolidate them.

(9) Whenever the WMC issues a Statement of Availability to any worker or permits or requires an employer to release a worker, the appeal of the worker or employer, respectively, shall in no way stay the action as to the worker or employer satisfied with the action, but the officer to whom the appeal is taken may direct that subsequent cases involving other workers of the employer and raising identical issues be suspended pending final settlement of such issues. In all other cases the taking of an appeal shall stay the action appealed from, unless the Chairman of the Appeals Board to whom the appeal is taken specifically directs otherwise.

Section XXVII

ENFORCEMENT OF PROGRAM

The WMC or any designated agency shall investigate reported violations of the Stabilization Program in order to provide for the enforcement of its provisions. Violations of this Program are subject to Section IX, Subsection B. (See Appendix C.)

Section XXVIII

EFFECTIVE DATE, AMENDMENT AND TERMINATION

A. This Program shall take effect on October 15, 1943.

B. This Program may be amended from time to time by the Area Committee with the approval of the Regional Director.

C. This Program will terminate automatically 90 days after the cessation of hostilities by the United States of America or at such earlier time as may be determined by the Regional Director.

APPENDIX A

CRITICAL OCCUPATIONS

(Listed by Occupational Groups)

Workers living in New York City are registered at the offices indicated under each Occupational Group heading.

Workers in all critical occupations who live outside of the five boroughs comprising New York City are registered at their local USES office.

Employers seeking workers in any of these critical occupations should apply at the office which registers applicants residing in the county or borough in which the plant is situated.

INDUSTRIAL GROUP

Manhattan and Bronx residents register at 87 Madison Avenue (Twenty-eighth Street), Manhattan; Brooklyn residents register at 205 Schermerhorn Street; Queens residents register at Bank of Manhattan Building, Queens Plaza, Long Island City; Richmond residents register at 25 Hyatt Street, St. George, Staten Island.

Aircraft-Engine Mechanic, all around.
Aircraft-Engine Tester, all around.
Aircraft-Instrument Mechanic, all around.
Aircraft Mechanic, all around.
Airplane Navigator.
Airship Mechanic, all around.

Bessemer Converter Blower.
Blacksmith, all around.
Blast Furnace Blower.
Blaster, Mining.
Boilermaker, all around.
Boring-Mill Operator, all around.
Cam-Lay-Out Man.
Car Inspector, Railroad Transportation.
Chainmaker, all around.
Chamberman, Acid.
Coke Burner.
Conductor, Railroad Transportation.
Continuous-Still Engineer, Synthetic Rubber.
Converter Operator, Nonferrous Smelting & Refining.
Coppersmith, Marine, all around.
Coremaker, all around.
Cutting Machine Runner, Mining.
Die Maker, all around.
Die Setter.
Die Sinker.
Diesel Mechanic, all around.
Dispatcher, Radio Communications, Telegraph or Submarine Cable.
Electrical Tester, Power Equipment.
Electrician, Airplane, Marine, Power House, or Submarine Cable, all around.
Engineer, Chief, First, Second, or Third Assistant, Ship.
Engineer, Locomotive, Railroad Transportation.
Engineer, Turbine or Diesel.
Finisher, Fine Diamond Dies.
First Helper, Open Hearth or Electric Furnace.
Flight Dispatcher.
Foreman, Industrial.
Form Builder, Aircraft.
Glass Blower, Scientific Laboratory Apparatus.
Heater, Steel Mill, all around.
Heat Treater, all around.
Inspector.

Instrument Maker and Repairer, Electrical, Mechanical, or Scientific.
Jewel Bearing Maker, all around.
Lay-Out-Man, Boilermaking, Foundry, Machinery, or Shipbuilding.
Load Dispatcher, Power or Gas.
Locomotive Engine Repairman.
Loftsman, Aircraft or Shipbuilding.
Machine Tool-Set-Up Man.
Machinist, all around.
Mate, First, Second, or Third.
Mechanician, Communications Equipment.
Miller, Grain Products, all around.
Millwright.
Modelmaker, all around.
Molder, Bench or Floor, all around.
Oil Well Gun Perforator.
Oil Well Treater, acidizing.
Optical Mechanic, all around.
Paper Making Machine Engineer.
Patternmaker, Metal or Wood.
Precision Lens Grinder, all around.
Pulpit Operator, Steel Mill.
Pumper, Refinery, in charge.
Purification Engineer, Synthetic Rubber.
Refrigeration Equipment Repairman, Gas or Electric, all around.
Ship Captain.
Ship Pilot.
Signal Maintainer.
Still Operator, Chemical, all around.
Stillman, Petroleum Processing.
Switchboard Operator, Power.
Tanner, all around.
Testing and Regulating Technician, Telegraph or Telephone.
Timberman, Mining, all around.
Tool Designer.
Tool Maker.

Tugboat Captain.
Tugboat Engineer.
Wood Seasoner, Kiln.
X-Ray Equipment Serviceman.
Train Dispatcher.

COMMERCIAL AND PROFESSIONAL GROUP

Residents of all boroughs, except Richmond, register at 10 East Fortieth Street, Manhattan; residents of Richmond register at 25 Hyatt Street, St. George, Staten Island.

Accountant.
Agronomist.
Airplane Pilot, Commercial.
Anatomist.
Architect, Naval.
Astronomer.
Bacteriologist.
Ballistrician.
Cable Transmitter and Receiver.
Catalytic Converter.
Chemist.
Computer-Electric, Gravity or Seismic.
Engineer, Professional or Technical.
Engineer, Synthetic Rubber.
Engineering Draftsman, Design.
Entomologist.
Forester.
Geologist.
Geophysicist.
Horticulturist.
Instructor.
Mathematician (including Cryptanalyst).
Metallurgist.
Meteorologist.

Nematologist.
Observer, Seismic.
Oceanographer.
Parasitologist.
Pathologist, Medical.
Pharmacologist.
Physicist.
Physiologist, Medical.
Plant Pathologist or Physiologist.
Radio Communications Technician.
Radio Telegrapher.
Radiophoto Technician.
Reactor Engineer, Synthetic Rubber.
Receiver Tester.
Seismologist.

BUILDING AND CONSTRUCTION GROUP

Manhattan, Bronx, Brooklyn, and Queens residents register at 44 East Twenty-third Street, Manhattan; Richmond residents register at 25 Hyatt Street, St. George, Staten Island.

Bricklayer, Refractory Brick.
Cabinetmaker, all around.
Cable Splicer, Telephone, Telegraph or Submarine Cable.
Cementer, Oil Well.
Diamond Driller, Mining.
Diver.
Driller, Fine Diamond Dies.
Driller, Oil Well, Cable or Rotary.
Electrician, Installation and Maintenance, all around.
Foreman, Construction.
Hoisting Engineer, Mining.
Installer, Telegraph or Telephone Equipment.
Jointer, Submarine Cable.
Lead Burner, all around.
Lineman, Power, Telegraph, or Telephone, all around.

Machine Driller, Mining.
Miner, Underground, all around.
Powershovel Engineer, Mining.

SHIPBUILDING GROUP

Residents of all boroughs register at any of the following offices: 165 Joralemon Street, Brooklyn; 210 Richmond Avenue, Staten Island; 278 City Island Avenue, City Island.

Boatbuilder, Steel or Wood, all around.
Foremen, Shipbuilding.
Machinist, Marine, all around.
Pipe Fitter, Marine.
Sheetmetal Worker, Marine, all around.
Shipfitter, all around.
Shipwright, all around.
Ship Rigger, all around.

NEEDLE TRADES GROUP

Manhattan, Bronx, and Queens residents register at 225 West Thirty-fourth Street, Manhattan; Brooklyn residents register at 205 Schermerhorn Street.

Loom Fixer.

APPENDIX B

Model Form for Statement of Availability

STATEMENT OF AVAILABILITY

Worker	*Employer or USES Office*
Name_____	Name_____
Address_____	Address_____
Soc. Sec. Acct. No. _____	_____

Under the War Manpower Commission Stabilization Program, this worker is available for work in essential or "locally needed" activity.

He is (or "most recently was") employed as _____ in _____. This
(Occupation) (Industry)
occupation is (or "is not") critical.

Signed _____ Title _____ Date _____
(Authorized official)

NOTICE TO EMPLOYER HIRING THIS WORKER

This Statement of Availability should be retained in your files, and be available for inspection.

APPENDIX C

Statutes, Executive Orders, and Regulations Applicable Under the New York City Area Employment Stabilization Program.

Public Law 729, 77th Congress. An Act To Amend the Emergency Price Control Act of 1942 to Aid in Preventing Inflation, and for Other Purposes.

Executive Order 9139, issued April 18, 1942. Establishing the War Manpower Commission in the Executive Office of the President and Transferring and Coordinating Certain Functions to Facilitate the Mobilization and Utilization of Manpower.

Executive Order 9243, issued September 12, 1942. Providing for the Transfer and Release of Federal Personnel.

Executive Order 9247, issued September 17, 1942. Transferring Certain Employment Service and Training Functions to the War Manpower Commission.

Executive Order 8802, issued June 25, 1941. Reaffirming Policy of Full Participation in the Defense Program by All Persons, Regardless of Race, Creed, Color, or National Origin, and Directing Certain Action in Furtherance of Said Policy.

Executive Order 9279, issued December 5, 1942. Providing for the Most Effective Mobilization and Utilization of the National Manpower and Transferring the Selective Service System to the War Manpower Commission.

Executive Order 9328, issued April 8, 1943. Stabilization of Wages, Prices, and Salaries.

Executive Order 9346, issued May 27, 1943. Further Amending Executive Order No. 8802 by Establishing a New Committee on Fair Employment Practice and Defining its Powers and Duties.

Regulation No. 4, effective April 18, 1943, as amended August 16, 1943. Transfer of Workers at Increased Rates of Pay.

Regulation No. 5, effective May 22, 1943. Appeals from War Manpower Commission Actions.

Regulation No. 7, issued February 5, 1943, as amended August 16, 1943. Governing Employment Stabilization Programs.

Regulation of Economic Stabilization Director, Section 4001.10, issued October 27, 1942, and Section 4001.15, revised November 30, 1942; amended August 31, 1943.

USES OFFICES IN THE NEW YORK CITY WAR MANPOWER AREA

Administrative Headquarters: 11 West Forty-second Street, Manhattan. CHickering 4–8800.

[1] *War Agencies Relation Unit:* 40 East Fifty-ninth Street, Manhattan. PLaza 3–4250. Handles releases only for workers moving into this Area.

Industrial

[1] 87 Madison Avenue, Manhattan, LExington 2–8910.

[1] 205 Schermerhorn Street, Brooklyn, MAin 5–5775.

[1] 29–27 Forty-first Avenue, Long Island City, STillwell 4–6855.

Needle Trades

[1] 225 West Thirty-fourth Street, Manhattan, PEnnsylvania 6–1700.

[1] 205 Schermerhorn Street, Brooklyn (Dress industry not handled), MAin 4–6701.

Hotels, Restaurants, Hospital and General Service

[1] 40 East Fifty-ninth Street, Manhattan, PLaza 3–4250.

[1] *Commercial and Professional*

10 East Fortieth Street, Manhattan, LExington 2–0160.

[1] *Building and Construction*

44 East Twenty-third Street, Manhattan, ALgonquin 4–8500.

Household Service

40 East Fifty-ninth Street, Manhattan, PLaza 3–4250.

220 West Eightieth Street, Manhattan, TRafalgar 4–5646.

29 East Fordham Road, Bronx, FOrdham 7–5500.

384 East One Hundred Fortyninth Street, Bronx, MElrose 5–0600.

409 Fulton Street, Brooklyn, MAin 4–0835.

937 Kings Highway, Brooklyn, ESplanade 5–1000.

90–01 Sutphin Boulevard, Jamaica, Long Island, REpublic 9–1011.

Shipbuilding Trades

[1] 165 Joralemon Street, Brooklyn, MAin 4–8500.

210 Richmond Avenue, Port Richmond, Staten Island, GIbraltar 2–7000.

278 City Island Avenue, City Island, CIty Island 8–1555.

Farm Section

[1] 44 East Twenty-third Street, Manhattan, ALgonquin 4–8500.

[1] Issues Statements of Availability.

General Purpose Offices

(These offices handle all occupations, unless otherwise indicated.)

[1] Staten Island (does not handle shipbuilding trades), 25 Hyatt Street, St. George, GIbralter 7–2931.

Glen Cove, Long Island, 50 Glen Street, Tel: 2422.

Hempstead, Long Island, 79 Washington Avenue, Tel: 3434.

[1] Rockville Centre, Long Island, 47 North Village Avenue, Tel: 1112.

[1] Patchogue, Long Island, 10 South Ocean Avenue, Tel: 1660.

Riverhead, Long Island, Griffing Avenue, Tel: 2649.

Bay Shore, Long Island, 75 Fourth Avenue, Tel: 531.

White Plains, N. Y., 8 Church Street, Tel: Scarsdale 7549, White Plains 8450.

Yonkers, N. Y., 71 South Broadway, Tel: 3–9211.

[1] 20 South Broadway (not a placement office). Tel: 3–6218.

New Rochelle, N. Y., 578 Main Street, Tel: 2–2990.

Mt. Vernon, N. Y., 1 Park Avenue, Tel: 8–2640.

Port Chester, N. Y., Lincoln Trade School, Tel: 3110.

[1] Nyack, N. Y., 85 South Broadway, Tel: 2114.

[1] Peekskill, N. Y., 1037 Main Street, Tel: 3480.

[1] Issues Statements of Availability.

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